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ABSTRACT

The report from the House Committee on Education and Labor recommends the bill (H.R. 1454) to require institutions of higher education receiving federal financial assistance to provide certain information with respect to the graduation rates of student athletes. Background information is provided on the need for the legislation and an explanation of the bill by titles, including Title 1 (student athlete right to know) and Title 2 (crime awareness and campus security). The report also includes information on budgetary impact of the bill and a detailed section-by-section analysis. Changes made in existing law, specifically the Higher Education Act of 1965, Title IV--Student Assistance and the General Education Provisions Act, are noted. (DB)

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101ST CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
101-518

ED323840

STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT

JUNE 5, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 1454]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 1454) to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student athletes at such institutions, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

COMMITTEE ACTION

H.R. 1454, the Student Athlete Right to Know Act was introduced on March 15, 1989, by Mr. Towns for himself and Mr. McMillen of Maryland. On May 15, 1990, H.R. 1454 was approved by the Subcommittee on Postsecondary Education and reported to the Full Committee on Education and Labor with amendments by voice vote. On May 22, 1990, the full Committee on Education and Labor ordered reported H.R. 1454, as amended, by voice vote.

BACKGROUND AND NEED FOR THE LEGISLATION

In an era marked by increasing college costs and greater scrutiny of our nation's system of higher education, it is not surprising to find that parents and students are asking more "consumer oriented" questions before making the decision to attend a particular col-

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lege or university. Recent reports of scandals in intercollegiate athletic programs have led parents and student athletes to take a closer look at the institution and its athletic program before making a commitment to play. Articles about increases in crime and racial violence on college campuses have raised concerns about the safety of students. A report by a major education association indicates a decline in the quality of life on college campuses. For parents and students, the decision on which college or university to attend has become far more complicated than simply selecting an institution based on academic standards.

One of the major factors in choosing a school is that of cost. For many families, the cost of sending a child to college is one of the largest investments ever made outside of buying the family home. As with all major investments, families should have the opportunity to ask questions about what sort of return they can expect from their investment.

The Student Right to Know and Campus Security Act, as retitled by Committee amendment, contains a series of provisions that will provide parents and students with additional information about activities on college campuses. This legislation requires institutions of higher education to disclose to students, parents, and the Secretary of Education specific information about selected institutional policies, activities and performance. Each of the reporting areas were included as part of an effort to provide parents and students with a better sense of what is happening on individual school and college campuses.

Currently, colleges and universities provide prospective students and parents with a significant amount of information about what an institution has to offer. College catalogues outline academic programs, describe extra-curricular activities, and in general, offer a comprehensive description of the institution and its policies. While such information is helpful to prospective parents and students in selecting an institution, it does not provide parents and students with any quantitative means by which they can assess the experiences of students who have chosen to attend a given institution in the past.

As amended, H.R. 1454 requires institutions to provide information in the following areas:

Institutional graduation rates;
Student athlete graduation rates;
Intercollegiate athletic activity revenues;
Campus security policies;
Campus crime statistics; and
Information about the results of campus disciplinary hearings.

In addition, this legislation requires the Secretary of Education to work with the higher education community to develop additional definitions for measuring institutional outcomes.

All of these measures are designed to provide students and parents with better information in selecting a postsecondary institution. The Committee notes that the information required to be reported provides a limited perspective on overall campus life and cautions against the use of any of the above data elements as a single indicator for evaluating an institution.

EXPLANATION OF H.R. 1454

TITLE I—STUDENT ATHLETE RIGHT TO KNOW

Title I of H.R. 1454 amends section 485 to require institutions of higher education that offer athletically related student aid to disclose to students and report to the Secretary of Education information about the success of prior student athletes who attended the institution. The legislation requires that the following information be provided to prospective students:

The number of students who received athletically related aid by race and sex in basketball, football, cross country/track, ice hockey, and all other sports combined;

The number of students attending the institution broken down by race and sex;

The graduation rate for students who received athletically related student aid broken down by race and sex in football and basketball;

The graduation rate for students at the institution broken down by race and sex;

The average graduation rate, based on the most recent 4 years, of students who received athletically related student aid broken down by race and sex in baseball, cross country/track, ice hockey and all other sports combined; and

The average graduation rate, based on the most recent 4 years, of students at the institution broken down by race and sex.

For the purposes of this section, the Committee defines graduation rate to mean the percentage of students with no previous collegiate experience who enter a college or university as full-time, degree seeking students, in a specific year and graduate with a Bachelor's degree or the equivalent within five years. The Committee intends that the "average" four year graduation rate be calculated by combining into a single statistic the average graduation rate of the most recent four entering classes into a single statistic.

While the original intent of the Committee was to require the reporting of graduation data for all sports by sex and race, the legislation was modified to require the reporting of an average graduation rate by race and sex in the following sports: baseball, cross country/track, ice hockey, and all other sports combined. This modification was made in an effort to protect the anonymity of individual student athletes.

The Committee believes that the educational record of a college is an important factor for student athletes to consider in selecting an institution. The strength of an athletic program should be reflected not only in the record books but also by the graduation rate of former players. Therefore, the Committee believes that student athletes will take into account graduation rates of former student athletes if that information is made available to them. Because of the important role that parents, principals, coaches, and guidance counselors play in helping students make the best decision in choosing a college, this legislation requires that graduation rate data also be made available to the parents, principal, high school

coach, and guidance counselor of any potential student who is offered athletically related student aid.

In an effort to make student athlete graduation rate data available to the general public, this legislation requires the Secretary of Education to compile and publish a report containing the reported information broken down by individual institutions and athletic conferences. The Committee recognizes that the reporting of graduation data, as defined by this legislation, may cause some difficulties for institutions with non-traditional educational programs. For example, many student athletes at the University of Utah and Utah State University interrupt their college education to serve as missionaries—for as long as two years. The legislation provides for such special circumstances by encouraging institutions with similar special situations to provide potential student athletes and the Secretary of Education with supplemental information to clarify the graduation rate data.

Nothing in this legislation shall limit the ability of an institution to provide potential student athletes and the Secretary with supplemental information showing the graduation rate that includes students transferring in and out of the institution. The Secretary shall ensure that such data is provided with comparable definitions.

The Committee recognizes that the National Collegiate Athletic Association has adopted internal reporting requirements for its member institutions. While the NCAA reporting requirements are somewhat similar to those required by this legislation, the reporting requirements differ in one significant aspect. The NCAA does not require the reporting of average graduation rate data for such minor sports as baseball, cross country/track, ice hockey, and all other sports combined.

This legislation provides the Secretary with the authority to waive the requirements of this Act for any institution which is a member of an athletic association or athletic conference that voluntarily publishes graduation rate data that is substantially comparable to the information required by H.R. 1454. The Committee recognizes that certain aspects of the NCAA reporting requirements are similar to this legislation, however, for the purposes of exercising the waiver authority provided in this legislation, the Secretary shall not consider the reporting of graduation data for basketball and football broken down by various categories and the aggregate of all other sports combined as providing data that is substantially comparable to that required by H.R. 1454.

The Committee intends that amendments made by this section take effect on July 1, 1991.

DISCLOSURE OF ATHLETIC ACTIVITY REVENUES AND EXPENDITURES

College athletic programs have become an important aspect of the public's awareness of higher education, as well as, in many cases, major financial enterprises. The Committee notes that there is little uniform and public information on the size of these programs. In addition, limited information is available about the impact that such programs have on the overall financial oepration of the institution. For example, contrary to popular perception,

most schools—even those with the highly successful athletic teams—are apparently money losers and must rely on the general revenues and other sources of funds. A large portion of general revenues would be generated by student tuition and fees, which are paid in part by federal financial aid sources. Uniform disclosure of information regarding the financial operations of college athletic departments to intercollegiate athletic activities will help to reflect the true costs and benefits of such programs. Such information will also permit the general public, along with college and university administrators, and trustees to make better judgements as to the appropriateness of such activities at the institution.

H.R. 1454 amends Section 485 of the Higher Education Act to require institutions which offer athletically related student aid to disclose to prospective and enrolled students information regarding the revenues derived from the institution's athletic activities. The following information must be reported on a form prescribed by the Secretary:

The total revenues and the revenues by sport, including as separate categories men's and women's sports, derived by the institution's athletic departments and athletic activities;

The total expenditures and the direct expenditures by sport, including as separate categories men's and women's sports, for such departments and athletic activities; and

The total revenues and expenditures of the institution for the same period.

The Committee intends that the Secretary shall work with representatives of the higher education community and athletic conferences in the development of any form used to provide the data required under this section.

It is not the intention of the Committee that an institution report on its intramural or recreational programs for students, even though they may be administered by the same institutional department or division that administers the intercollegiate athletic program. Because the intercollegiate program is administered and financed in different ways on different campuses, the Committee sought to use generic language in order to capture the total revenues and expenses from the intercollegiate athletic program, including where appropriate revenues and expenditures of the athletics department which are included in that program.

The Committee notes that although total athletics-related expenditures must be reported, this legislation requires the reporting of direct expenditures by sport. Thus, for example, it is not necessary to allocate overhead expenses on a per sport basis, but only those expenses, such as equipment, uniforms or travel, that are incurred specifically with reference to that sport. The Committee recognizes that by not reporting indirect costs, the true profitability of a given sport will be overstated or loss understated. However, the allocation of indirect costs such as overhead and depreciation would be unnecessarily difficult and time-consuming.

The Committee intends that the Secretary shall collect the information required by this section on an annual basis and will make it readily available to the general public.

ADDITIONAL GENERAL DISCLOSURE REQUIREMENTS RELATING TO GRADUATION RATES

Following two days of oversight hearings on student athletics, the Committee developed an interest in the need to provide graduation rate data not only for student athletes, but for all students who attended postsecondary institution. This interest was further heightened by the response to the Sectetary of Education's June 5th regulation that required the reporting of such information for only vocational programs. The Committee believes that all students should have access to graduation rates or completion rates regardless of the type of institution he or she chooses to attend before any financial commitment is made to the institution. As a result, H.R. 1454 includes a provision that requires institutions of higher education to provide students with such information.

The Committee recognizes the complexities of compiling graduation and completion rate data, especially at large institutions. Therefore, this legislation requires the reporting of an institutional graduation rate for only full-time degree seeking students.

For the purposes of this section, a student will be considered to have completed or graduated if, within 150 percent of the normal time for completion of the program, the student has completed the program or has enrolled in any program of another eligible institution for which the prior program of study provides substantial preparation. For example, if a student completes the first two years of study at a junior or community college and then enrolls in a four-year institution to complete the degree program, this student should be considered as graduating or completing the community college program for the purposes of the graduation rate calculation.

The Committee intends that institutions shall begin reporting such information beginning on July 1, 1992 and shall continue to report it every year thereafter.

The Committee believes that the reporting of graduation rates will protect parents and students from institutions that encourage students to enroll but fail to focus on student retention as a part of providing a quality educational experience. In addition, such information is especially important for first generation college students who have had little experience in dealing with institutions of higher education.

Because of the Committee's interest in developing other outcomes oriented measures for reviewing the activities of colleges and universities, this legislation requires the Secretary of Education to develop definitions and methodologies for evaluating the following areas:

Graduation or completion rates, broken down by individual school or academic division within the institution;

The rate at which graduates of the institution pass applicable licensure or certification examinations required by the State of employment in a particular vocation, trade, or professional field; and

The rate at which graduates of occupationally specific programs at the institution who enter the labor market following graduation or completion from such a program obtain employment in the occupation for which they are trained.

The Committee intends that the Secretary of Education work closely with representatives of the higher education community in the development of such definitions and methodologies. In an effort to include the work of the Secretary and the community in discussions regarding the reauthorization of the Higher Education Act, this legislation requires the Secretary to provide the appropriate committees of the Congress with an interim report on the progress made in developing such definitions and methodologies no later than October 1, 1991.

TITLE II—CRIME AWARENESS AND CAMPUS SECURITY

On March 14, 1990, the Subcommittee on Postsecondary Education held a day of hearings on the Crime Awareness and Campus Security Act. At that hearing the Subcommittee heard expressed the concerns of parents, students and the higher education community regarding crime on college campuses. There was a time when a college campus was considered to be a sanctuary, a place where teaching, learning, and social exchange took place in an environment that posed minimal danger to the personal safety of the campus community. However, as with society in general, crime on campus has escalated from an infrequent occurrence to a subject of major concern for the higher education community.

The Committee recognizes that many institutions of higher education, with the support and encouragement from the national education associations, have taken significant steps to improve campus security and to make the campus community aware of security policies. After listening to the testimony of witnesses, the Committee believes that all students deserve such protection. One way of protecting students and other members of the campus community from crimes on campus is to dispel the myth that crimes do not occur on campus. Students, faculty, and employees of the institution should be made aware of the occurrence of crimes committed on campus and should be familiar with campus security policies to make informed decisions about their own safety.

Title II of this legislation amends the Higher Education Act to require institutions to certify that they have established a campus security policy. In addition, this legislation requires insitutions to disclose to current students, employees and any applicant for admission or employment upon request the following information with respect current policies regarding campus security and campus crime statistics:

A statement of current policies on the reporting of crimes and policies regarding institutional response to such reports;

Statements of current policies concerning security and access to campus facilities, campus residences and access to such residences;

Statistics concerning the occurrence of campus crimes during the most recent school year and during the proceeding two school years of the following offenses: murder, rape, robbery, aggravated assault, burglary, larcency, motor vehicle theft, arson; and

Statistics concerning the number of arrests for the following crimes: liquor law violations, drug abuse violations, vandalism, weapons possession, disorderly conduct.

The Committee notes that the list of crimes to be reported is consistent with the requirements of the Federal Bureau of Investigation's Uniform Crime Reporting System. The Committee recognizes that some institutions are not eligible to participate directly in the UCR System because they are not recognized local law enforcement authorities. Under the "Hate Crimes Statistics Act" the UCR system will be modified to include definitions of hate crimes. In the interest of obtaining uniform crime statistics, including statistics on "hate crimes", on a national level, the Committee encourages all eligible institutions to participate in the UCR program.

This legislation also requires institutions to provide students with statements of policy regarding alcoholic beverage and drug use. The Committee notes that other statutes and regulations currently require institutions to provide students with information regarding drug and alcohol policies. Because of the high correlation between alcohol and drug abuse violations and the incidence of violent crimes, the Committee encourages institutions to provide students with information regarding such policies on multiple occasions.

The Committee recognizes that many institutions currently incorporate statements of policies as part of other campus publications, such as a student handbook or the institution's catalogue. The Committee does not intend to require institutions to develop separate documents if the required information is provided in a publication that is made available as required by this legislation. However, the required reported information must be presented to the student collectively in a single section of such publication.

This legislation requires institutions to make timely reports to the campus community about the occurrence of crimes described above to assist in the prevention of similar occurrences. The Committee believes that members of the campus community need to be made aware of a crime committed on campus as soon as reasonably possible after the occurrence of the crime. The timely notification of students, faculty, and employees will alert individuals to the potential that subsequent similar crimes could occur and will permit them to better protect themselves. Institutions are encouraged to provide such notification through all forms of campus media.

H.R. 1454 requires the reporting by institutions of statistics regarding campus crimes that are reported to campus security authorities or to local police agencies. As noted, the Committee recognizes that many campuses security authorities do not have local law enforcement authority. Therefore, institutions are responsible for making every reasonable effort to collect statistics on crimes committed on campus, as defined by the Act, but which are reported to outside law enforcement agencies. It is *not* intended that institutions report statistics for offenses which occur outside of the campus, as defined by the Act.

The Committee acknowledges that off-campus fraternities and other student organizational facilities are not within the jurisdiction of the campus police and crimes occurring at such locations will be handled by local law enforcement authorities. However, be-

cause of the number of crimes that occur at such facilities, institutions are required to include all occurrences of criminal offenses or arrests in their annual crime statistics report.

Title II of H.R. 1454 requires each institution to submit to the Secretary a copy of the statistics made available to students. In addition, this section specifically prohibits the Secretary from requiring certain policies or practices of institutions with respect to campus crimes or campus security. The Committee does not intend the Secretary to in any way prescribe a Federally mandated campus security policy. No single campus security system is appropriate for use by all institutions. The intent of this legislation is to encourage campuses to develop campus security policies and procedures which are appropriate to the unique conditions of the campus.

For the purposes of reporting under this section, the term "campus" is defined to include any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to, the educational purposes of the institution. The Committee does not intend that crimes committed on major, public thoroughfares which are not under the control of the institution or the campus security authorities be included in statistics required to be reported by this Act.

The definition of "campus" further includes any building or property owned or controlled by student organizations that are recognized by the institution. The Committee intends that such buildings be located within the same reasonably contiguous geographic area as the institution and should not include, for example, the national headquarters of student organizations recognized by the institution.

This legislation requires institutions to begin collecting crime statistics data on July 1, 1991 and to make the first report available July 1, 1992.

DISCLOSURE OF DISCIPLINARY PROCEEDING OUTCOMES TO CRIME VICTIMS

This legislation permits institutions of higher education to disclose to the alleged victim of a violent crime, the results of any disciplinary proceeding conducted against the alleged perpetrator of the crime. The Committee notes that this language does not require institutions to provide such information. This legislation only removes the prohibition against providing such information.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1990.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has examined the federal cost impact of H.R. 1454, the Student Athlete Right-to-Know Act. The bill was ordered reported from the House Education and Labor Committee on May 22, 1990.

Based on our analysis, there would be no direct effect on federal, state, or local government costs as a result of enactment of this bill. This bill would require colleges that receive federal student aid funds to provide the Secretary of Education with information on graduation rates of degree-seeking students and to disclose campus crime statistics and security policies. In addition, the bill would require schools to release the records of campus disciplinary proceedings to victims of violent crimes as well as require schools awarding athletic scholarships to report the graduation rate of the athletes and disclose the revenue and expenditures of their sports programs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Kalcevic (226-2820).

Sincerely,

ROBERT D. REISCHAUER,
Director.

COMMITTEE ESTIMATE

With reference to the statement required by clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1454 will have no inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

OVERSIGHT FINDINGS OF THE COMMITTEE

With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee's oversight findings are set forth in the Need for the Legislation section of this report. No additional oversight findings are applicable at this time.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no findings or recommendations by the Committee on Government Operations were submitted to the Com-

mittee with reference to the subject matter specifically addressed in H.R. 1454.

SECTION-BY-SECTION ANALYSIS

TITLE I—STUDENT ATHLETE RIGHT-TO-KNOW

Section 101 of the bill provides a short title for Title I, "The Student Right to Know".

Section 102 of the bill provides findings regarding the current state of intercollegiate athletics.

Section 103(a) of the bill amends Section 485 of the Higher Education Act to require each institution which participates in Title IV and is attended by students receiving athletically related student aid to annually submit a report to the Secretary which contains the following information:

The number of students who received athletically related aid by race and sex in basketball, football, baseball, cross country/track, ice hockey, and all other sports combined;

The number of students attending the institution broken down by race and sex;

The graduation rate for students who received athletically relates student aid broken down by race and sex in football and basketball;

The graduation rate for students at the institution broken down by race and sex;

The average graduation rate, based on the most recent 4 years, of students who received athletically related student aid broken down by race and sex in baseball, cross country/track, ice hockey and all other sports combined; and

The average graduation rate, based on the most recent 4 years, of students at the institution broken down by race and sex.

In addition, this section of the bill requires that the information reported above is provided to the student athlete, his or her parents, coach and guidance counselor when the prospective student is offered athletically related student aid.

Section 103 also requires the Secretary of Education to compile and publish a report containing the reported information broken down by individual institutions and athletic conferences. The Secretary shall waive the requirements of this Act for any institution which is a member of an athletic association or athletic conference that voluntarily publishes graduation rate data that is substantially comparable to the information required by H.R. 1454.

Section 103 of the bill defines "athletically related student aid" as any scholarship or grant offered to a student whose terms require the recipient to participate in an institution of higher education's program of intercollegiate athletics. Section 103 also defines the term "graduation rate" to mean the percentage of students who enter an institution of higher education as a full-time student and graduate with a baccalaureate degree or its equivalent in 5 years or less.

The bill makes the amendments made by this subsection effective July 1, 1991.

Section 104 disclosure of athletic activity revenues and expenditures

Section 104(a) of the bill provides findings regarding the importance of fiscal and operational integrity in intercollegiate athletic programs.

Section 104(b) of the bill amends Section 485 of the Higher Education Act to require institutions which offer athletically related student aid to disclose to perspective and enrolled students information regarding the revenues derived from the institution's athletic activities. The following information must be reported on a form prescribed by the Secretary:

The total revenues and the revenues by sport derived by the institution's athletic departments and athletic activities;

The total expenditures and the direct expenditures by sport for such departments and athletic activities; and

The total revenues and expenditures of the institution for the same period.

Section 104(b) also requires the Secretary to collect and compile such information, announce the availability of such information, and make such information available to the public for inspection and copying.

Section 105 additional general disclosure requirements relating to graduation rates

Section 105(a) of the bill amends Section 485 of the Higher Education Act to require institutions to disclose to perspective and enrolled students the completion or graduation rate of certificate or degree-seeking students entering such institutions.

Section 105(b) provides for the calculation of a completion or graduation rate for this subsection and requires that this information be made available beginning on July 1, 1992.

Section 105(c) of the bill requires the Secretary to develop definitions and methodologies to measure certain institutional outcomes, including:

Graduation or completion rates, broken down by program or field of study;

Graduation or completion rates, broken down by individual school or academic division within the institution;

The rate at which graduates of the institution pass applicable licensure or certification examinations required by the State for employment in a particular vocation, trade, or professional field; and

The rate at which graduates of occupationally specific programs at the institution who enter the labor market following graduation or completion from such a program obtain employment in the occupation for which they are trained.

Section 105(d) of the bill requires the Secretary to provide a status report to the appropriate committees of the Congress on July 1, 1991 on the progress made in implementing the provisions outlined in this subsection.

TITLE II—CRIME AWARENESS AND CAMPUS SECURITY

Section 201 of the bill provides for a short title for Title II, "Crime Awareness and Campus Security".

Section 202 of the bill provides findings relating to the current state of campus crimes.

Section 203(a) of the bill amends Section 487 of the Higher Education Act to require institutions to certify that they have established a campus security policy and that the institutions have complied with the disclosure requirements of Section 485(f).

Section 203(b) of the bill amends Section 485 of the Higher Education Act to disclose to students, employees and any applicant upon request the following information with respect to current policies regarding campus security and campus crime statistics:

A statement of current policies for students and others on the reporting of crimes and policies regarding institutional response to such reports;

A statement of current policies concerning security and access to campus facilities;

A statement of current policies concerning security in campus residences and access to residences;

A statement concerning campus law enforcement;

Statistics concerning the occurrence of campus crimes during the most recent school year and during the preceding two school years of the following offenses: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, arson; and

Statistics concerning the number of arrests for the following crimes: liquor law violations, drug abuse violations, vandalism, weapons possession, disorderly conduct.

Section 203(b) also requires institutions to provide students with statements of policy regarding alcoholic beverages, drug use, and the monitoring of criminal activities at off-campus student organizations.

Section 203(b) requires institutions to make timely reports to the campus community about the occurrence of crimes described above to assist in the prevention of similar occurrences.

Section 203(b) requires each institution to submit to the Secretary a copy of the statistics made available to students. In addition, this section prohibits the Secretary to require certain policies or practices of institutions with respect to campus crimes or campus security.

Section 203(b) defines the term "campus" for the purposes of reporting under this section and requires that the statistics required by this subsection be compiled in accordance with the definitions used by the Federal Bureau of Investigation and shall include the definitions of "hate crimes" as developed under the "Hate Crimes Statistics Act".

Section 203(c) makes the amendments of this section effective July 1, 1991.

Section 204 disclosure of disciplinary proceeding outcomes to crime victims

Section 204 of the bill amends Section 438(b) of the General Education Provisions Act to permit institutions to disclose to an alleged victim of any crime of violence the results of any disciplinary proceeding conducted by the institution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE IV—STUDENT ASSISTANCE

* * * * * * *

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

* * * * * * *

INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS

SEC. 485. (a) INFORMATION DISSEMINATION ACTIVITIES.—(1) Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this title. The information required by this section shall be produced and be made readily available, through appropriate publications and mailings, to all current students, and to any prospective student upon request. The information required by this section shall accurately describe—

(A) * * *

* * * * * * *

(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing; [and]

(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 484(a)(2)[.];

(L) in a form prescribed by the Secretary, with respect to any institution that offers athletically related student aid—

(i) the total revenues, and the revenues by sport, derived by the institution's athletic departments and intercollegiate athletic activities;

(ii) the total expenditures, and the direct expenditures by sport, derived from such departments and intercollegiate athletic activities; and

(iii) the total revenues and expenditures of the institution for the same period; and

(M) the completion or graduation rate of certificate- or degree-seeking, full-time students entering such institution.

(2) The Secretary shall—

(A) annually collect and compile the forms required to be disclosed under paragraph (1)(L);

(B) make such compiled forms readily available for public inspection and copying; and

(C) publicly announce, the availability of such compiled forms.

(3) In calculating the completion rate under subparagraph (M) of this section, a student shall be counted as a completion if, within 150 percent of the normal time for completion of the program, the student has completed the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

(A) shall be available beginning on July 1, 1992, and each year thereafter to current and prospective students prior to enrolling or entering into any financial obligation;

(B) shall cover the one-year period ending on June 30 of the preceding year;

(C) shall be updated not less than biennially.

[(2)] *(4)* For the purpose of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

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(e) DISCLOSURES REQUIRED WITH RESPECT TO ATHLETICALLY RELATED STUDENT AID.—

(1) REPORTS TO THE SECRETARY.—Each institution of higher education which participates in any program under this title and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, ice hockey, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball and football;

(D) the graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average graduation rate for the 4 most recent graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: baseball, cross country/track, ice hockey, and all other sports combined; and

(F) the average graduation rate for the 4 most recent graduating classes of students at the institution of higher education broken down by race and sex.

(2) STUDENT NOTIFICATION.—When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and his parents, his guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1).

(3) SPECIAL CIRCUMSTANCES.—If an institution of higher education described in paragraph (1) finds that the information collected pursuant to such paragraph, because of extenuating circumstances, does not provide an accurate representation of the school's graduation rate, the school may provide additional information to the student and the Secretary.

(4) COMPARABLE INFORMATION.—Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the graduation rate when such graduation rate does not include students transferring into and out of such institution. The Secretary shall ensure that the data presented to the student and the data submitted to the Secretary are comparable.

(5) REPORT BY SECRETARY.—(A) The Secretary shall, using the reports submitted under this subsection, compile and publish a report containing the information required under paragraph (1) broken down by—

(i) individual institutions of higher education, and

(ii) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(B) The Secretary shall make available copies of the report required by subparagraph (A) to any individual or secondary school requesting a copy of such report.

(6) WAIVER.—The Secretary shall waive the requirements of this subsection for any institution of higher education which is a member of an athletic association or athletic conference that voluntarily published graduation rate data (or has agreed to publish the data) that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) DEFINITIONS.—For the purpose of this subsection—

(A) The term "athletically related student aid" means any scholarship, grant, or other form of financial assistance whose terms require the recipient to participate in an institution of higher education's program of intercollegiate athletics in order to be eligible to receive such assistance.

(B) The term "graduation rate" means the percentage of students with no previous collegiate participation who enter an institution of higher education as full time, degree seeking students in a specific year and graduate with a bachelor's degree, or the equivalent, within 5 years.

(f) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—(1) Each eligible institution participating in any program under this title shall prepare, publish, and distribute, through

appropriate publications and mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, beginning on July 1 of 1992 and each year thereafter, an annually revised and updated report containing the following information with respect to its campus security policies and campus crime statistics:

(A) a statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports;

(B) a statement of current policies concerning security and access to campus facilities, and security considerations used in the maintenance of campus facilities;

(C) a statement of current policies concerning security in campus residences and access to campus residences by students and guests, including a description of the type and frequency of programs designed to inform students and student housing residents about housing security and enforcement procedures;

(D) a statement of current policies concerning campus law enforcement, including—

(i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and

(ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies; and

(E) statistics concerning the occurrence on campus, during the most recent school year, and during the 2 preceding school years, of the following criminal offenses reported to campus security authorities or local police agencies—

(i) murder;

(ii) rape;

(iii) robbery;

(iv) aggravated assault;

(v) burglary;

(vi) larceny;

(vii) motor vehicle theft; and

(viii) arson;

(F) statistics concerning the number of arrests for the following crimes occurring on campus:

(i) liquor law violations;

(ii) drug abuse violations;

(iii) vandalism;

(iv) weapons possessions; and

(v) disorderly conduct;

(G) a statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a description of any alcohol abuse education programs provided by the institution;

(H) a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug abuse education programs provided by the institution; and

(I) a statement of policy concerning the monitoring through local police agencies and recording of criminal activity at off campus fraternities and other student organizations which are recognized by the institution.

(2) Each institution participating in any program under this title shall make timely reports to the campus community on crimes described in paragraph (1)(E) that are reported to campus security or local law police agencies. Such reports shall be distributed through appropriate publications and media to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(3) Each such institution shall annually submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(E) and (1)(F). The Secretary shall—

(A) regularly review such statistics and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 1995; and

(B) in coordination with representatives of institutions of higher education, periodically survey campus security policies, procedures, and practices implemented by institutions of higher education and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(4) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(5) For purposes of this subsection, the term "campus" includes—

(A) any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to its educational purposes; or

(B) any building or property owned or controlled by student organizations recognized by the institution.

(6) The statistics required by subparagraphs (E) and (F) of paragraph (1) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Justice Department, Federal Bureau of Investigation. Such statistics shall reflect modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act.

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PROGRAM PARTICIPATION AGREEMENTS

SEC. 487. (a) REQUIRED FOR PROGRAMS OF ASSISTANCE; CONTENTS.—In order to be an eligible institution for the purposes of any program authorized under this title, an institution must be an institution of higher education or an eligible institution (as that term is defined for the purpose of that program) and shall, except with respect to a program under subpart 3 of part A, enter into a program participation agreement with the Secretary. The agreement shall condition the initial and continuing eligibility of an in-

stitution to participate in a program upon compliance with the following requirements:

(1) * * *

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(11) The institution certifies that—

(A) the institution has established a campus security policy; and

(B) the institution has complied with the disclosure requirements of section 485(f).

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GENERAL EDUCATION PROVISIONS ACT

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PART C—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

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Subpart 4—Records; Privacy; Limitation on Withholding Federal Funds

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PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS

SEC. 438. (a) * * *

(b)(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following—

(A) * * *

* * * * * * *

(6) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing, to an alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), the results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime with respect to such crime.

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